



Application No. 10/723,940  
Attorney Docket No. VARD-07989

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sherry Leonard *et al.*  
Serial No.: 10/723,940  
Filed: 11/26/2003  
Entitled: Promoter Variants of the Alpha-7 Nicotinic Acetylcholine Receptor

Group No.: 1649  
Examiner: Standley, S.H.

**PRELIMINARY AMENDMENT AND RESPONSE TO  
FINAL OFFICE ACTION MAILED JULY 26, 2007**

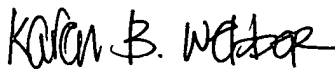
MS RCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

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Dated: January 28, 2008

By:   
Karen B. Webber

Dear Examiner Standley:

This communication is responsive to the Final Office Action of July 26, 2007, and largely duplicates the communication submitted by Applicants on September 26, 2007. Although the prior communication was submitted before the deadline to provoke an Advisory Action had expired, neither an Advisory Action nor a Notice of Allowance has been received. Accordingly, Applicants are compelled to submit herewith a Request for Continued Examination (RCE) and a three-month extension of time to prevent the instant application from going abandoned. As the apparent inaction by the Office has necessitated one or both of the RCE and extension, Applicants respectfully request a refund of one or both of the RCE fee (\$810.00) and the extension fee (\$1050.00), through a credit to Deposit Account No. 08-1290.